



Police Civilian Advisory Board Study Committee - Minutes

Date: July 20, 2021

Time: 7:00 PM

Location: Conducted by Remote Participation

Attendance

| | |
|--------------------|---|
| Karen Bishop | |
| Anne Brown | p |
| Michael Brownstein | p |
| Elliot Elkin | p |
| Kerrie Fallon | |
| Julie Flaherty* | p |
| Laura Gitelson | p |
| Jillian Harvey* | |

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| Doug Heim* | p |
| Carlos Morales | p |
| Mona Mohtadi | |
| Sanjay Newton | p |
| Bob Radochia | p |
| Kathy Rogers | p |
| Clariss Rowe | |
| Susan Ryan-Vollmar | p |

* - non-voting member | p - present

Agenda

The meeting was called to order at 7:05pm

1. Approve minutes from prior meetings
Vote: to approve 06/22/2021 minutes
Approved unanimously
2. Updates from committees/constituencies
Susan Ryan-Vollmar - None
Carlos - None
Kathy - None
Elliot - None
Michael - None
Bob - None
Anne - None

3. Presentation on investigative model of civilian review - Sanjay

See presentation attached.

Further Questions:

Carlos - What are the possibilities for a possible Arlington entity to refer a complaint to state-level investigation?

Chief Flaherty pointed out that referral to POST is the expectation.

Laura - What made you choose Syracuse for your example?

Sanjay - It was the smallest municipality in the Nacole database with an investigative model. Still much larger than Arlington, and not an exact analogy, but useful nonetheless.

4. Continue discussion of outreach activities - Susan

Please see Susan's attached memo.

Discussion about soliciting feedback specifically from the committees and constituencies that many were nominated from.

Kathy offered to create a first draft interim report for the committee. We could use the document to provide context to people beyond the committee as we are soliciting input from others.

Kathy, Michael, Carlos and Elliot will bring a draft on August 24th.

5. Adjourn

Vote: to adjourn 8:41pm

Approved unanimously

Civilian Review: Investigative Model

Police Civilian Advisory Board Study Committee
July 20, 2021

Oversight Considerations

“Oversight systems can take a wide variety of forms and operate under a wide range of authorities...

*It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks and succeed. **The oversight agency's mission should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over-policing or bias-based policing.**”*

-National Association for Civilian Oversight of Law Enforcement

Four-ish Models of Civilian Review

Investigative/Quality Assurance Model: Civilian volunteers or staff receive and investigate complaints of police misconduct, reach conclusions on categories of allegations, and recommend discipline as appropriate to Chief Law Enforcement Officers and/or Municipal Executives.

- Specific focus on individual complaints
- Parallel to internal police investigations
- San Francisco OCC, NYCCRB, Cincinnati Office of Municipal Investigation, ½ of Boston Office of Police Accountability and Transparency

Appeal Model: Complainants (or Police personnel) appeal internal police department findings or recommendations to civilians, who review them and then recommend their own findings to the Chief Law Enforcement Officers and Municipal Executives.

- Specific focus on individual complaints
- After internal police investigations and disciplinary decisions
- Brookline Internal Affairs + Select Board Appeal, Omaha Citizens Complaint Review Board

Four-ish Models of Civilian Review

Review Model: Internal police units investigate allegations and develop findings; citizens review and recommend that the Chief Law Enforcement Officers and/or Municipal Executives approve or reject the findings.

- Specific focus on individual complaints
- After internal police investigations, but before disciplinary decisions
- Cambridge Police Review & Advisory Board, Kansas City Office of Community Complaints, Detroit Board of Police Commissioners

Auditor/Evaluative Performance Model: An auditor/monitor investigates the processes by which the internal investigations examine complaints, reports on the thoroughness and fairness of the process to the department and the public, and makes policy recommendations

- Broad scope
- Parallel to or after police investigations
- Denver Office of Independent Monitor, ½ of Boston Office of Police Accountability and Transparency; The Albuquerque Independent Counsel, San Jose Independent Police Auditor

What is in the Investigative Model?

The investigative model involves some or all of the below characteristics:

- Receives complaints
- Reviews and classifies complaints
- Led by a community board
 - May allow or disallow appointment of current or former police officers
- Employs trained professional non-police “civilian” staff
 - May allow or disallow hiring of retired and former police officers
- Performs investigations
 - May be in parallel to **or** in place of Professional Standards/Internal Affairs
- Subpoenas witnesses and documents
- Holds hearings
 - May be a mix of public and “executive session” hearings
- Makes findings on investigations and recommend discipline
 - Findings and discipline recommendations may or may not be binding

What is not in the Investigative Model?

Investigative bodies are not typically involved in the following activities:

- Collecting/observing/examining trends in police data
- Reviewing police department policies
- Reviewing police department training
- Review of Internal Affairs investigative process
- Hearing appeals

Investigative bodies vary widely in the following respects:

- Their access to investigations completed by Internal Affairs/Professional Standards
- Their ability to mandate vs. recommend discipline
- How much they report publicly about complaints investigations and findings

<https://cops.usdoj.gov/RIC/Publications/cops-w0952-pub.pdf>

<https://cops.usdoj.gov/RIC/Publications/cops-w0951-pub.pdf>

Investigative Model Strengths and Weaknesses

Key Strengths:

- May reduce bias in investigations
- Civilian investigators may have specialized training
- May increase community trust in investigations

Potential Weaknesses:

- May lose public confidence if timelines are not met
- May lose public confidence if recommendations are not routinely adopted
- May be difficult to maintain readiness and credibility when there are few complaints
- Most expensive
- May face resistance from police personnel

https://www.nacole.org/reports_publications

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_AccessingtheEvidence_Final.pdf?1481727974

Investigative Model Case Study - Syracuse, NY

Syracuse is one of the smallest municipalities in the NACOLE database

<https://directory.nacole.org/>

| | |
|--------------------|--------------|
| Population | 143,378 |
| Sworn Officers | 375 |
| Established | 2011 |
| Oversight Budget | \$140,077 |
| Police Budget | \$47,400,535 |
| Board Members | 11 |
| Professional Staff | 2 |
| Complaints (2018) | 83 |
| Hearings (2018) | 15 |

The Syracuse "Citizen Review Board" was established in 2011. The 11-member board is appointed by a combination of the mayor and city councillors and devotes an average of ten hours per month attending meetings, preparing for and participation in panel hearings, training, and community outreach.

The CRB can:

- Hire and fire the CRB Administrator
- Accept and investigate complaints
- Hold hearings and make findings on complaints
- Make police policy recommendations

The CRB has access to:

- Dispatch records
- Use of force reports
- Stop, search, and arrest records
- Body worn camera footage
- Professional Standards Investigations (open and closed)

http://www.syr.gov.net/uploadedFiles/City_Hall/CRB/CRB%20Legislation%2012-11.pdf

What happens to a complaint? Syracuse, NY CRB

1. Complaints can be received by the CRB or Office of Professional Standards (OPS)
 - CRB and OPS are required to immediately share complaints with each other
 - Mediation is offered to the complainant at all stages but not required
 - The complainant may withdraw their complaint at any time
2. CRB Administrator and OPS conduct their investigations in parallel
3. OPS provides their report and recommendations to the CRB Administrator
4. CRB Administrator recommends whether to proceed to a hearing
5. Full CRB decides whether to proceed to a hearing based on reports and recommendations
 - The CRB may issue subpoenas for the hearing, including to officers

What happens at a hearing? Syracuse, NY CRB

- Board members rotate making up 3-member “panels” for hearings
- Officers and complainants have a right to obtain counsel
 - Officers and complainants may cross examine witnesses
- Hearings are closed to the public and not recorded
 - Deliberations are confined to only panel members
- Decisions, including findings and recommendations, are made by majority vote
- The panel chooses whether to sustain the finding of the CRB Administrator
- Outcomes
 - The panel may recommend restitution for the complainant
 - The panel may recommend specific disciplinary sanctions for an officer
 - The chief of police must respond in writing if the recommendation is not followed
 - In 2018, the chief followed the CRB recommendation in 1 out of 8 sustained cases
 - The CRB provides a summary of sustained cases in their annual report

http://www.syrgov.net/uploadedFiles/City_Hall/CRB/Final%202018%20Annual%20Report%20w.%20ST%20%20Meeting%20with%20MR%20suggestions.pdf

Case Backlog and Funding - Syracuse, NY CRB

Last summer there was reporting that the Syracuse CRB had a significant backlog of cases. 89 cases were outstanding as of July 2020, dating back as far as 2017. 44 cases outside the window to impose discipline.

<https://www.wrvo.org/post/44-cases-syracuse-police-complaints-are-past-18-month-window-discipline>

This spring the Syracuse Common Council declined a request by the CRB Administrator to hire an investigator, two analysts, and a community engagement specialist.

<https://www.syracuse.com/news/2021/05/syracuse-lawmakers-reject-proposed-funding-increase-for-civilian-police-watchdog.html>

Civilian Police Advisory Board Study Committee

TO: All Committee Members

FROM: Susan Ryan-Vollmar, Co-Chair

DATE: July 20, 2021

Re: Soliciting public input to inform the work of the Civilian Police Advisory Board Study Committee

During tonight's meeting, we will be continuing the discussion from our last meeting about soliciting community input for the work we are doing.

In that discussion, held on June 22, consensus emerged that setting up community meetings to solicit input will be difficult. Reasons ranged from the logistical challenges involved in doing community outreach (such as public notification and ensuring that the means of outreach is culturally, racially and linguistically diverse) to the sheer volume of work the committee has already been charged with completing within a short time frame.

Since we are so pressed for time in our meetings, I have prepared a memo to inform our discussion tonight. In doing so, I am following the example set by Kathleen in advance of our June 3 meeting—when she provided a memo to the committee to inform discussion about the process that the Arlington Human Rights Commission uses to field and process complaints made by town residents.

Soliciting Community Input Points of Discussion

There are 13 voting members of our committee. Seven of them are from the Board of Youth Services, Council on Aging, Disability Commission, Envision Arlington, Human Rights Committee, Menotomy Manor Tenants Association, and the Rainbow Commission. Two are from Arlington High School; three were appointed by the Town Meeting Moderator; and one is a graduate of the Citizens Police Academy.

Collectively, these committees, commissions, and groups represent a diverse set of constituencies among town residents.

Could we discuss what it would look like if each member of our committee returned to the group from which they were appointed to this committee and asked that group to provide input relevant to our work? For example, as a member of the LGBTQIA+ Rainbow Commission, this would require that I ask the Rainbow Commission to provide input to the Civilian Police Advisory Board Study Committee.

Provided that we agree on whether this would be a suitable option for soliciting community input, we would then need to agree on what information, precisely, we are seeking from town committees, commissions, and groups.

One example of what we might be seeking is provided below:

- Based on your committee's knowledge of the community whose interests you represent, what information do you believe it is important for the Civilian Police Advisory Board Study Committee to understand about the community that you represent?

We would not need to specify how the information from various committees, commissions, and groups is gathered. Some committees might opt to have their Chair write us a memo based on their knowledge of their community. Some committees might opt to hold a listening session with community members and send us a summary of results. Other committees might opt to hold a vote on the matter and report back.

IMPORTANT NOTE: Soliciting community input in this fashion would not preclude other ways of gathering community input. But this method might ensure a diversity of input with a minimum of work on our part, which will free our time for other work.